

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| BRIAN HAGAN, etc., |) | CASE NO. 1:06CV2507 |
| |) | |
| Plaintiff, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| vs. |) | |
| |) | <u>ORDER</u> |
| CITY OF CLEVELAND, et al., |) | |
| |) | |
| Defendants. |) | |

CHRISTOPHER A. BOYKO, J. :

Based upon the representations of Plaintiff's counsel in the letter of July 31, 2007, entered as ECF DKT #22, the Court vacates its Order requiring Plaintiff to file his Brief in Opposition to Defendant's Motion for Summary Judgment by August 7, 2007. (ECF DKT #21). Moreover, upon advice of defense counsel, Defendant Franko's Motion for Summary Judgment (ECF DKT #13) is withdrawn, with the right to move for reinstatement if the settlement of the captioned matter is not accomplished. Counsel shall file a joint status report by August 31, 2007, and inform the Court of the status of probate court approval of the proposed settlement.

IT IS SO ORDERED.

DATE: August 3, 2007

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge